

20-X-6-.18. DRAFT BEER FOR OFF-PREMISES CONSUMPTION.

- (1) A licensee authorized to sell draft beer for off- premise consumption and their employees may fill, refill, and sell beer in a refillable container or jug that is glass, ceramic, aluminum, stainless steel or other material approved by the board that is no larger than 128 ounces in size and must be capable of being securely sealed in a manner approved by the Board. Plastic containers may be used, but are not reusable.
- (2) Beer for purpose of this rule, means beer as defined by Section 28-3-1(3) of the Code of Alabama, 1975.
- (3) Filling and Refilling Requirements.
 - (a) The container shall have the capacity to hold no more than 128 ounces.
 - (b) The container shall be filled or refilled only by the licensee or the licensee's employees who are 21 years of age or older.
 - (c) The container shall be filled or refilled only at the time of the in-person sale is made and only with beer from the original container.
 - (d) A licensee may exchange a container that can be refilled, provided the exchange occurs at the time of the in-person sale.
 - (e) Prior to filling and refilling , the container and its cap shall be cleaned and sanitized by the licensee or the licensee's employee in compliance with the rules for refilling returnables established by the United States Food and Drug Administration and the Alabama Department of Public Health.
- (4) Restrictions.
 - (a) A container shall not be filled in advance of a sale.
 - (b) A container filled pursuant to this rule shall not be delivered or direct-shipped to a consumer.
 - (c) A container filled pursuant to this rule shall not be sold or otherwise distributed to a retailer.
 - (d) A licensee or a licensee's employee shall not allow a consumer to fill or refill a container.
 - (e) The filling, refilling and selling of a container shall be limited to the hours in which beer may be legally sold.
 - (f) A filled or refilled container shall not be sold or provided to any consumer who is under the age of 21 or who appears, considering the totality of the circumstances, to be intoxicated.
- (5) Sealing Requirements. A filled or refilled container shall be securely sealed at the time of sale by the licensee or the licensee's employee in the following manner:
 - (a) A container shall bear a twist-type cap, screw-on cap, flip-top lid, stopper, or plug.
 - (b) A plastic heat shrink wrap band, strip, or sleeve shall extend around the cap, lid, and stopper or plug to form a seal that must be broken upon the opening of the container.
 - (c) A container will not be regarded as sealed unless the seal is unopened and has not been tampered with and the contents have not been partially removed.
- (6) Labeling Requirements. Containers that are filled or refilled on demand shall be affixed with a label that contains the following information:
 - (a) The brand name of the product dispensed.
 - (b) The name of brewer or bottler.
 - (c) Net contents.
 - (d) Name and address of business that filled or refilled the container.
 - (e) Date of fill or refill.
 - (f) The amount of alcohol by volume.

- (g) The alcoholic beverage health warning statement as required by the Federal Alcohol Administration Act, 27 C.F.R. Sections 16.20 through 16.22.

Author: ABC Board

Statutory Authority: *Code of Ala. 1975*, § 28-3-49

History: